



PATENTS
CF-21CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

Applicants : Philip M. Ginsberg
Application No.: 09/225,537 Confirmation No.: 2363
Filed : January 4, 1999
(CPA filed July 31, 2000)
For : FIXED INCOME PORTFOLIO INDEX PROCESSOR
Group Art Unit : 3624
Examiner : Geoffrey Akers

New York, New York 10020
April 11, 2003

Box ISSUE FEE
Hon. Commissioner for Patents
Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The above-identified patent application was allowed on April 1, 2003. The Notice of Allowability included a Statement of Reasons for Allowance.

While applicant appreciates the allowance of this application, applicant notes that a portion of the Statement of Reasons for Allowance relates to elements that differentiate the invention from the prior art (at the top of page three). In referring to seventeen claims as a group, the Examiner describes the following "key elements":

- (A) - Applicant's concept provides a method for determining an index value for a notional fixed income instrument as derived from calculating yield or price from other debt instruments and from this providing a market for the trading of debt futures contracts based on the notional fixed income instrument and executing trades electronically of these debt futures contracts.
- (B) - Applicant's concept furnishes a method of distributing data on the executed trades in debt

futures in real time for market participants permitting an electronic marketplace to exist for the delivery of combinations (sic) of fixed-income debt securities having 2, 3, 5, and 10 year maturities.

Applicant believes that both of the concepts listed by the Examiner do not necessarily apply to each and every one of claims 32, 35, 38, 41, 44, 46, 48, 51, 54, 57, 60, 62, 63, 67, 71, 75, and 79.

Similarly, on page four of the Statement, the Examiner states that,

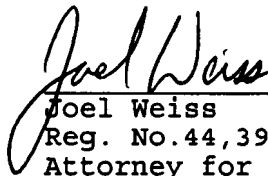
[i]t is clear from the description of Wolfberg's, Tull's, Towers' and Chance's disclosures that the prior art does not address the features of "determining an index value in terms of a notional fixed income related instrument the method using market data for another debt instrument and comprising calculating a value for the other instrument from electronic market data related to market conditions for the other instruments and calculating a price or yield of the notional fixed income related instrument using the values for the other instruments and providing an electronic futures market for the trading of futures contracts and debt instruments based on the notional fixed income related instrument and executing a trade of the futures contract electronically and distributing in real time executed trade information related to the trade to at least one of a clearing system, vendors or market participants."

As with the "key elements" listed by the Examiner in the Statement of Reasons for Allowance, applicant believes that all of the features quoted by the Examiner do not necessarily apply to each and every one of claims 32, 35, 38, 41, 44, 46, 48, 51, 54, 57, 60, 62, 63, 67, 71, 75, and 79.

In the Statement of Reasons for Allowance, the Examiner also states that the abstract of the disclosure has been objected to because it is too long. Applicant respectfully notes that this objection was raised during prosecution in the Office Action dated January 31, 2000, (paper number 3), and that the applicant responded in a Preliminary Amendment filed February 23, 2003 by shortening the abstract. A copy of the pertinent portion of the

Preliminary Amendment, the postcard indicating that the Patent and Trademark Office received the Preliminary Amendment and copy of the Office Action dated October 10, 2001 in which the Examiner indicated that the aforementioned Preliminary Amendment had been received are attached hereto. Thus, applicant believes that the objection to the abstract in the Statement of Reasons for Allowance is also an error. Indeed a Notice of Allowance would not have been issued if the objection to the Abstract was still outstanding. The Examiner, in a telephonic interview with the applicant on April 8, 2003, confirmed that the objection in the Statement of Reasons for Notice of Allowance to the abstract was made in error.

Respectfully submitted,



Joel Weiss
Reg. No. 44,398
Attorney for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

I Herby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to:
COMMISSIONER FOR
PATENTS P.O. BOX 2327
ARLINGTON, VA 22202 on
April 14, 2003
Clair J. Santil-van Goodman
Signature of Person Signing